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Though it is necessarily classed as an argument rather than as an example of scientific investigation, it is well worth examination, for it is made with moderation and fairness and is accompanied with useful lists of instances in which federal or state statutes and municipal ordinances have been disregarded by the Supreme Court of the United States. There are adequate extracts from many of the writers who are habitually quoted against the judicial refusal to enforce as between litigants legislative acts conflicting with the limitations placed upon legislative power by the Constitution; and the possessor of this pamphlet is probably relieved from the need of examining those earlier writers. The pamphlet itself is distinctly more moderate in tone than the quotations. Its fairness is indicated by the care with which the author points out (pp. 47-49) that what was said by Gibson, J., in *Eakin v. Raub*, 12 S. & R. 330, 344 (1825), was a dissent and was eventually repudiated by Gibson himself, and also by the admission (pp. 36-38) that the Supreme Court of the United States is guilty of no usurpation when it disregards invalid legislation of states, and finally by the recognition that for the supposed impropriety of disregarding invalid legislation by Congress a remedy cannot be found in judicial recall or in recall of judicial decisions or in an act of Congress forbidding judges to treat legislation as unconstitutional (pp. 58-61). Yet notwithstanding its fairness of tone the pamphlet loyally does its best to uphold the views expressed in the resolution to which it owes its origin. Thus it happens that here can be found in small compass a useful exposition of that side. If any one cares to have what may be termed a non-partisan presentation of the history and reason and limits of the judicial function as regards unconstitutionality, there is no better course, even at this late day, than to study carefully Prof. James Bradley Thayer's "The Origin and Scope of the American Doctrine of Constitutional Law," which appeared in 1893 and is accessible both in 7 HARVARD LAW REVIEW, 129, and in "Thayer's Legal Essays," 1.

E. W.

SELECT CASES BEFORE THE KING'S COUNCIL, 1243-1482. Edited for the Selden Society by I. S. Leadam and J. F. Baldwin. Cambridge: Harvard University Press. 1918. pp. cxvii, 156.

Volume 36 of the Selden Society's publications, for the year 1918, is printed and published in America by the Harvard University Press. The work was begun by Mr. Leadam and carried part way before his lamented death in 1913; and it was completed by Professor Baldwin of Vassar, whose treatise on the King's Council made him an excellent substitute for the difficult work.

There is an Introduction in which the nature, jurisdiction, and procedure of the King's Council is discussed in a scholarly manner. The development of the Court of Chancery from the Council is traced, and the gradual development of the Chancellor's power, from the president of a branch of the Council to the sole judge of the flourishing court, is made clear and convincing. The introduction will be a help to all students of the history of English equity.

More than half of the introduction is concerned with notes, principally historical, on the "Cases" printed later; and the cases themselves are also enlightened by short notes to the text. In fact, the interest in the work is very little legal, very much historical; nor is the history legal history — at least, if the reviewer is right in feeling that the history of legal institutions is not the history of law, though it is its indispensable tool. If we admit that any law is to be learned from administrative tribunals like the early King's Council, we are also obliged to confess that it is not from such fragmentary records as are left here. These tribunals, apart from the regular courts, were unsuccessful experiments in social order and social justice; equity itself was of no account

in the progress of society until it became a real law court. But, forgetting that law is not to be found in this well-edited volume, we must credit it with being scholarly, careful, thorough, and interesting; and by throwing light upon the age and its institutions it is very useful to the historian, even the legal historian.

J. H. B.

INTRODUCTION TO THE LAW OF REAL PROPERTY—RIGHTS IN LAND. Being Volume II of Cases on the Law of Property, American Case-Book Series. By Harry A. Bigelow. St. Paul: West Publishing Company. 1919. pp. ix, 88; xviii, 741.

This book represents Volume II of the Cases on the Law of Property of the American Case-Book Series. It comprises two parts: first, an introduction to the law of real property of eighty-eight pages. This portion consists largely of a textbook on the elementary principles of the older law of real property down to the eighteenth century, concerning the Feudal System, Estates, Non-Possessory Interests in Land, Joint Ownership, Disseisin, Uses and Trusts. Not over half a dozen cases are printed and few cited. The aim is to state simply, and in as clear language as possible, these old doctrines for assimilation by a beginner. Professor Bigelow has done this partly in his own language and partly in that of the leading text writers. We have nothing but good to say of this task. The author's own work compares most favorably with that of his distinguished predecessors from whom he quotes.

The second and by far the greater portion of the collection consists of about 750 pages of cases on rights in land, including Rights incidental to Possession, such as Air, Land, Waters, etc.; Rights in Land of Another, Profits, Easements, Licenses; Covenants running with Land at Law and to some extent in Equity; Rents, Waste, and Public Rights. The editor states that he has yielded to the traditional method of dealing with these topics in the first year of a student's law course instead of inserting between the matter covered by his Introduction and his second part Professor Aigler's collection numbered III in the same Series on Titles. And so he has presented the collection in a shape available for beginners. At the same time, without being dogmatic, he suggests the propriety of setting the first-year man to work on the making of deeds, on leases and surrenders, and on adverse possession, before easements, covenants, and writs.

We confess our preference for the traditional method and are glad that Professor Bigelow has adapted his case-book to it. We are impressed with the importance of the beginner's studying the rights in land, such as support of land by land, air, water, surface and underground, and public rights in streams and highways, in the same year that he is considering the general principles of liability and of torts. If his teacher in torts informs him that all liability is based on fault and that *Fletcher v. Rylands* is an excrescence, he should be able to compare this with doctrines in the Property class-room. And the subject of Easements would seem, as the editor has grouped it, to be closely associated with natural rights in land. We must admit, however, that the preference is not so apparent in the important subject of covenants running with the land.

J. W.

PRESENT PROBLEMS IN FOREIGN POLICY. By David Jayne Hill. New York: D. Appleton and Company. 1919. pp. xiii, 361.

As the title indicates, this is not a law book. It is a series of papers addressed to the general public. There is, however, at least one paper appealing peculiarly